

1 RICHARD C. BENNETT, ESQ. (State Bar No. 60561)
2 BENNETT, JOHNSON & GALLER
3 1901 Harrison Street, Suite 1650
4 Oakland, California 94612
5 Telephone: (510) 444-5020
6 Facsimile: (510) 835-4260

7 Attorneys for Plaintiffs

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JO FAY and THOMAS FAY,

Plaintiffs,

vs.

UNITED STATES OF AMERICA, DOES 1
through 10, inclusive,

Defendants.

No. C 05-01481 CRB

**STIPULATION AND [PROPOSED]
ORDER AND JOINT APPLICATION
FOR CONTINUANCE OF CASE
MANAGEMENT CONFERENCE**

**Case Management Conf. Date: 12-02-05
Case Management Conf. Time: 8:30 a.m.
Judge: Honorable Charles R. Breyer**

1. This case currently is scheduled for a Case Management Conference for December 2, 2005.

2. The depositions of the Plaintiffs JO and THOMAS FAY were scheduled to take place on October 17 and 18, 2005, respectively. Mediation was scheduled for November 15, 2005, before Jerry Spolter of JAMS.

3. Because of Plaintiffs' counsel's involvement with multiple expert depositions and trial preparation in the complex medical malpractice case of *Kelly v. Chartier, et al.*, scheduled for a four week trial in the Superior Court of Solano County starting on October 21, 2005, Plaintiffs' counsel requested, and Assistant United States Attorney Chinhayi J. Coleman graciously agreed, to reschedule the depositions of the plaintiffs and to continue the mediation in this action.

4. Although the *Kelly* case settled the evening of October 24, 2005, the first date

1 available for all counsel in this action and for Mr. and Mrs. FAY for the rescheduling of their
2 depositions was December 5 and 6, 2005, and those dates have been confirmed.

3 5. The parties and Mediator Jerry Spolter have agreed that the mediation will take place
4 on January 12, 2006.

5 6. At the Case Management Conference held in this action on July 14, 2005, the Court
6 encouraged the parties to mediate the case and report to the Court at the further Case
7 Management Conference of December 2, 2005 the results of said mediation.

8 That based on the good cause set forth above,

9 IT IS HEREBY STIPULATED by and between the parties to this action, through their
10 attorneys of record, that the Case Management Conference scheduled herein for December 2,
11 2005 at 8:30 a.m. be continued to January 27, 2006 or February 3, 2006 so that the parties may
12 advise the Court at that time of the results of the mediation of this case scheduled for January 12,
13 2006.

14 DATED: November 7, 2005

BENNETT, JOHNSON & GALLER

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16 By: 

RICHARD C. BENNETT
Attorneys for the Plaintiffs

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19 DATED: November 8, 2005

KEVIN V. RYAN
UNITED STATES ATTORNEY

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21 By: 

CHINHAYI I. COLEMAN
Assistant United States Attorney
Attorneys for Defendant
UNITED STATES OF AMERICA

ORDER

The parties having stipulated thereto and good cause appearing therefor,

IT IS HEREBY ORDERED that the Case Management Conference scheduled for

December 2, 2005 is continued to February 3, 2006 at 8:30 a.m. in

Courtroom 8.

DATED: Nov. 14, 2005

